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RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 1027
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C O N F I D E N T I A L SECTION 01 OF 03 KUWAIT 000913

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TAGS: [PREL](#) [PHUM](#) [ELAB](#) [PGOV](#) [TIP](#) [KU](#)
SUBJECT: MOVING KUWAIT FORWARD ON LABOR STANDARDS

REF: A. A) STATE 85534
[1](#)B. B) KUWAIT 864
[1](#)C. C) KUWAIT 799
[1](#)D. D) MUSCAT 582

Classified By: Ambassador Deborah K. Jones for reasons 1.4 b and d

[1](#)1. (C) Embassy examined with interest and appreciation Ref A suggestion that we explore addressing labor rights abuses in Kuwait through a trilateral meeting with Kuwaiti and Bangladeshi officials followed by a series of multilateral roundtables with representatives of all major labor-sending countries. Embassy finds merit in these suggestions, but believes that circumstances on the ground warrant a somewhat different approach.

[1](#)2. (C) One of our principal concerns is to ensure that GOK officials and Kuwaitis themselves take the lead on addressing human rights and TIP concerns, including labor abuses. We note, in this regard, that issuance of our TIP report on June 4 placing Kuwait in Tier 3, together with strikes by Bangladeshi laborers reported Ref B, have sparked a great deal of introspection and soul-searching among GOK officials, parliamentarians, the media and the public at large. Kuwaitis across the board express shame at seeing their country in the spotlight over labor exploitation and related TIP issues (also reported Ref C). At the same time, the GOK and Kuwaitis in general are prickly about hectoring from the U.S. or other embassies and about perceived interference in domestic affairs. The Ambassador -- alone among her counterparts (including those from the labor-exporting countries) in addressing these issues publicly -- has been explicitly accused in the press of inciting the recent riots and of intervening improperly in Kuwait's internal affairs.

[1](#)3. (C) Embassy believes that, given the enormous U.S. strategic interests at stake here, our desire to help Kuwait move forward on TIP issues is best served by continuing our campaign of quietly but firmly engaging Kuwaitis at all levels on this issue and by bolstering these discussions with occasional public discussions, such as the Ambassador's June 9 press roundtable, where USG TIP concerns were aired. We need to fine tune our efforts, however, so they don't backfire. We are concerned that the suggestion of convening trilateral meetings and roundtables, as proposed ref A, would become publicly visible through Kuwaiti media and viewed by Kuwaitis as unacceptable interference in their domestic affairs. (Note: Even our appointment requests to the Ministry of Social Affairs and Labor make their way into the press, against the deafening silence from the embassies of

the labor-exporting countries. End Note.)

¶4. (C) Embassy supports energizing and focusing the concerns of labor-exporting countries present in Kuwait and has been doing so for some time. Beginning in mid-2007, Embassy initiated informal bi-monthly meetings of the labor attaches from ten embassies (including labor-exporting countries such as Bangladesh, Philippines, Pakistan, and Sri Lanka) together with the UN's International Office for Migration and representatives from several EU countries. After initial hesitation, a representative from the Indian Embassy also joined. The purpose of these meetings has been to share information, air problems, and consider joint approaches. While no meeting has been held during the present summer season, Embassy intends to encourage resumption of these useful sessions soon. We note, however, that a continual problem has been that the governments and senior diplomatic representatives of labor-exporting countries have remained extremely passive vis-a-vis the GOK and have invariably looked to the USG to carry their message. India and Egypt are in a somewhat different situation, as each country appears to have a side-agreement with the GOK covering the relatively skilled workers that these countries send to Kuwait. Embassy believes that the Department might usefully encourage the governments of the remaining labor-exporting countries to raise their concerns with the GOK at senior levels, here and in capitals. The USG cannot resolve this issue on their behalf, without their active participation.

¶5. (C) Since reporting the strikes by Bangladeshi workers in late July, Ambassador and POLCOUNS have continued to raise

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USG concerns on this issue with GOK officials and other foreign counterparts. We will continue to do so and will raise with our GOK interlocutors their possible interest in a low-key informal dialogue with the labor attache forum described above.

¶6. (U) The GOK, embarrassed by the TIP report and ongoing labor unrest, has taken some recent steps to address the labor issue. These include the following:

-- The Council of Ministers on July 21 ratified year-old anti-TIP legislation which will be submitted to Parliament when it re-convenes in October. (Islamist MPs recently drafted a competing anti-TIP bill.);

-- On August 5 the Council of Ministers approved a minimum wage for foreign workers involved in cleaning work (40 KD/month) and security (70 KD/month) (Note: 1kD = USD 3.65);

-- The Ministry of Social Affairs and Labor (MOSAL) has referred 13 labor-importing companies to the Attorney General's Office for investigation of possible labor abuses;

-- MOSAL suspended the files of 25 cleaning companies, theoretically prohibiting them from importing new laborers until they have fulfilled outstanding salary obligations to their employees;

-- MOSAL is taking steps to ensure that workers who are employed under government contracts receive their full salaries, through automated bank accounts;

-- MOSAL established a team of five legal researchers tasked with ensuring that deported laborers receive salaries and other entitlements due to them;

-- Parliament's Human Rights Committee is preparing a report on labor issues for submission to the October session.

¶7. C) While these steps are significant, they are not sufficient by themselves to resolve Kuwait's labor abuses and, of course, do nothing to address Kuwait's other outstanding TIP issues. Some of the GOK's responses to labor

unrest may be harsh. Media reports suggest that the GOK is considering deporting up to 800,000 unskilled laborers over the next three years. Many critics of the GOK's efforts to tackle the problem note that the suspension or shutting-down of labor-importing companies has little impact on the overall problem since it is a simple matter for these companies to re-emerge under a different name and get back to business. The critics claim that a number of MPS and even one or two members of the large ruling family are directly implicated in the lucrative labor-importing business and that these influential persons have, so far, managed to derail any meaningful efforts to halt labor abuses. What is really needed is a comprehensive law governing imported labor that is implemented effectively.

18. (C) Embassy noted with interest Ref D, and we will quietly point out to our GOK interlocutors that Gulf neighbor Oman has successfully moved from TIP Tier 3 to the Tier 2 watchlist largely on the basis of improvements in its treatment of foreign workers. Kuwait has more work to do on its treatment of foreign workers and also needs to make more progress towards meeting GOK commitments addressed in the Department's Tier 3 finding, which include enactment of legislation prohibiting all forms of trafficking; increased prosecutions and sentences for trafficking; development of a fully operational shelter accessible to all victims of trafficking; and technical training on the investigation and prosecution of trafficking cases. Thus far, we cannot report much progress on these goalposts. We fully intend to take advantage of Kuwaitis' present embarrassment over their bad report card to press for better performance, but we need to do so in a way that does not discourage or alienate them.

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